

Introduced by Senator Dunn

February 23, 2006

An act to amend Section 6061 of, and to add Sections 6046.7 and 6061.5 to, the Business and Professions Code, and to amend Section 94900 of, and to repeal Chapter 3.5 (commencing with Section 94361) of Part 59 of Division 10 of, the Education Code, relating to law schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 1568, as introduced, Dunn. Unaccredited law schools

Existing law provides for the regulation of the practice of law by the State Bar of California, and authorizes the Committee of Bar Examiners to fulfill certain functions. Under existing law, the committee is responsible for the approval, regulation, and oversight of accredited degree-granting law schools that exclusively offer specified degrees in law, and are not otherwise exempt due to national accreditation. This provision does not apply to unaccredited law schools, which remain subject to the jurisdiction of the Bureau for Private Postsecondary and Vocational Education. Existing law authorizes an unaccredited law school to refer to itself as a university or part of a university and requires the bureau and the Attorney General to take specified action with regard to this provision. Existing law requires unaccredited law schools to meet specified requirements, and excepts correspondence schools from certain of those requirements.

This bill would require the Committee of Bar Examiners to adopt rules for the regulation and oversight of unaccredited law schools and legal programs leading to a J.D., LL.B., or other law study degree, and would subject those schools and programs to regulation and oversight by the committee. The bill would require the committee to assess and

collect a fee from the schools and programs to fund the regulatory and oversight responsibilities. The bill would delete the duties imposed on the Bureau for Private Postsecondary and Vocational Education and on the Attorney General related to unaccredited law schools. The bill would also delete the exception for correspondence schools from specified unaccredited law school requirements.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6046.7 is added to the Business and
2 Professions Code, to read:

3 6046.7. (a) (1) Notwithstanding any other provision of law,
4 the Committee of Bar Examiners shall adopt rules for the
5 regulation and oversight of unaccredited law schools, including
6 correspondence schools, which are not accredited by the
7 American Bar Association or the Committee of Bar Examiners.

8 (2) Notwithstanding any other provision of law, the committee
9 shall adopt rules for the regulation and oversight of legal
10 programs leading to a juris doctor (J.D.) degree, bachelor of laws
11 (LL.B.) degree, or other law study degree.

12 (b) The committee shall assess and collect a fee from
13 unaccredited law schools and legal programs in nonlaw schools
14 in order to fund their regulatory and oversight responsibilities.

15 SEC. 2. Section 6061 of the Business and Professions Code is
16 amended to read:

17 6061. Any law school that is not accredited by the examining
18 committee of the State Bar shall provide every student with a
19 disclosure statement, subsequent to the payment of any
20 application fee but prior to the payment of any registration fee,
21 containing all of the following information:

22 (a) The school is not accredited. However, in addition, if the
23 school has been approved by other agencies, that fact may be so
24 stated.

25 (b) Where the school has not been in operation for 10 years,
26 the assets and liabilities of the school. However, if the school has
27 had prior affiliation with another school that has been in
28 operation more than 10 years, has been under the control of
29 another school that has been in operation more than 10 years, or

1 has been a successor to a school in operation more than 10 years,
2 the requirements of this subdivision are not applicable.

3 (c) The number and percentage of students who have taken
4 and who have passed the first-year law student's examination and
5 the final bar examination in the previous five years, or since the
6 establishment of the school, whichever time is less, which shall
7 include only those students who have been certified by the school
8 to take the examinations. ~~This subdivision does not apply to~~
9 ~~correspondence schools.~~

10 (d) The number of legal volumes in the library. This
11 subdivision does not apply to correspondence schools.

12 (e) The educational background, qualifications and experience
13 of the faculty, and whether or not the faculty members and
14 administrators (e.g., the dean) are members of the California
15 State Bar.

16 (f) The ratio of faculty to students for the previous five years
17 or since the establishment of the school, whichever time is less.
18 ~~This subdivision does not apply to correspondence schools.~~

19 (g) Whether or not the school has applied for accreditation,
20 and if so, the date of application and whether or not that
21 application has been withdrawn, is currently pending, or has been
22 finally denied. The school need only disclose information
23 relating to applications made in the previous five years.

24 (h) That the education provided by the school may not satisfy
25 requirements of other states for the practice of law. Applicants
26 should inquire regarding those requirements, if any, to the state
27 in which they may wish to practice.

28 The disclosure statement required by this section shall be
29 signed by each student, who shall receive as a receipt a copy of
30 his or her signed disclosure statement. If any school does not
31 comply with these requirements, it shall make a full refund of all
32 fees paid by students.

33 Subject to approval by the board, the examining committee
34 may adopt such reasonable rules and regulations as are necessary
35 for the purpose of ensuring compliance with this section.

36 SEC. 3. Section 6061.5 is added to the Business and
37 Professions Code, to read:

38 6061.5. A law school that is not accredited by the examining
39 committee of the State Bar may refer to itself as a university or

1 part of a university and, if it so refers to itself, shall state whether
2 or not the law school is associated with an undergraduate school.

3 SEC. 4. Chapter 3.5 (commencing with Section 94361) of
4 Part 59 of Division 10 of Title 3 of the Education Code is
5 repealed.

6 SEC. 5. Section 94900 of the Education Code is amended to
7 read:

8 94900. (a) No private postsecondary educational institution
9 may issue, confer, or award an academic or honorary degree
10 unless the institution is approved by the council to operate in
11 California and award degrees.

12 The council shall not issue an approval under paragraph (1) of
13 subdivision (c) of Section 94901 or a conditional approval under
14 paragraph (2) of subdivision (c) of Section 94901 until it has
15 conducted a qualitative review and assessment of, and has
16 approved, each degree program offered by the institution, and all
17 of the operations of the institution, and has determined all of the
18 following:

19 (1) The institution has the facilities, financial resources,
20 administrative capabilities, faculty, and other necessary
21 educational expertise and resources to ensure its capability of
22 fulfilling the program or programs for enrolled students.

23 (2) The faculty are fully qualified to undertake the level of
24 instruction that they are assigned and shall possess degrees or
25 credentials appropriate to the degree program and level they
26 teach and have demonstrated professional achievement in the
27 major field or fields offered, in sufficient numbers to provide the
28 educational services.

29 (3) The education services and curriculum clearly relate to the
30 objectives of the proposed program or programs and offer
31 students the opportunity for a quality education.

32 (4) The facilities are appropriate for the defined educational
33 objectives and are sufficient to ensure quality educational
34 services to the students enrolled in the program or programs.

35 (5) The program of study for which the degree is granted
36 provides the curriculum necessary to achieve its professed or
37 claimed academic objective for higher education, and the
38 institution requires a level of academic achievement appropriate
39 to that degree.

1 (6) The institution provides adequate student advisement
2 services, academic planning and curriculum development
3 activities, research supervision for students enrolled in Ph.D.
4 programs, and clinical supervision for students enrolled in
5 various health profession programs.

6 (7) If the institution offers credit for prior experiential learning
7 it may do so only after an evaluation by qualified faculty and
8 only in disciplines within the institution's curricular offerings
9 that are appropriate to the degree to be pursued. The council shall
10 develop specific standards regarding the criteria for awarding
11 credit for prior experiential learning at the graduate level,
12 including the maximum number of hours for which credit may be
13 awarded.

14 (b) The approval process shall include a qualitative review and
15 assessment of all of the following:

- 16 (1) Institutional purpose, mission, and objectives.
- 17 (2) Governance and administration.
- 18 (3) Curriculum.
- 19 (4) Instruction.
- 20 (5) Faculty, including their qualifications.
- 21 (6) Physical facilities.
- 22 (7) Administrative personnel.
- 23 (8) Procedures for keeping educational records.
- 24 (9) Tuition, fee, and refund schedules.
- 25 (10) Admissions standards.
- 26 (11) Financial aid policies and practices.
- 27 (12) Scholastic regulations and graduation requirements.
- 28 (13) Ethical principles and practices.
- 29 (14) Library and other learning resources.
- 30 (15) Student activities and services.
- 31 (16) Degrees offered.

32 The standards and procedures utilized by the council shall
33 foster the development of high quality, innovative educational
34 programs and emerging new fields of study within postsecondary
35 education. In addition, the standards and procedures utilized by
36 the council shall not unreasonably hinder educational innovation
37 and competition.

38 (c) (1) The Committee of Bar Examiners for the State of
39 California, in lieu of the council, shall be responsible for the
40 approval, regulation, and oversight of degree-granting law

1 schools that (A) exclusively offer bachelor's, master's, or
2 doctorate degrees in law, such as Juris Doctor, and (B) are not
3 otherwise exempt under Section 94750. ~~This paragraph does not~~
4 ~~apply to unaccredited law schools that remain subject to the~~
5 ~~jurisdiction of the bureau.~~

6 (2) If a law school not exempt under Section 94750 offers
7 educational services other than bachelor's, master's, or
8 doctorate-degree programs in law, the law school and its nonlaw
9 degree programs shall be subject to this chapter, and the law
10 school's degree programs in law shall be subject to the approval,
11 regulation, and oversight of the Committee of Bar Examiners.

12 (3) *If a nonlaw school that does not meet the criteria of*
13 *Section 94750 offers educational programs leading to a juris*
14 *doctor (J.D.) degree, bachelor of laws (LL.B.) degree, or other*
15 *law study degree, those programs shall be subject to the*
16 *regulation and oversight of the Committee of Bar Examiners.*